

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

GREGORY ACKERS,

Plaintiff,

vs.

BANK OF AMERICA CORP., et al.,

Defendants.

CASE NO. 12-CV-3044 JLS (WMc)

**ORDER *SUA SPONTE* DISMISSING  
ACTION FOR FAILURE TO  
COMPLY WITH COURT ORDER**

On December 21, 2012, Plaintiff Gregory Ackers (“Plaintiff”), a pro se litigant, initiated this action by filing a Complaint and a Motion for Leave to Proceed *in Forma Pauperis* (“IFP”). (ECF Nos. 1, 2.) On May 8, 2013, this Court granted Plaintiff IFP status but *sua sponte* dismissed his Complaint for failure to state a Claim. (ECF No. 3.) The Court granted Plaintiff thirty (30) days in which to file a First Amended Complaint (“FAC”). (*Id.* at 3–4.) Plaintiff’s FAC was filed *nunc pro tunc* to June 5, 2013. (ECF No. 5.)

On June 20, 2013, Plaintiff filed a Motion for Leave to File Second Amended Complaint (“SAC”). (ECF No. 7.) On July 15, 2013, the Court granted Plaintiff’s Motion but dismissed his FAC for failure to state a claim. (ECF No. 9.) The Court


1 again granted Plaintiff thirty (30) days in which to file a SAC, and “caution[ed] Plaintiff  
2 that failure to remedy the deficiencies noted above may result in dismissal with  
3 prejudice.” (*Id.* at 2–3.)

4 Nearly six weeks after this deadline, Plaintiff filed a Motion for Continuance.  
5 (ECF No. 11.) The Court granted Plaintiff until October 31, 2013 to file an amended  
6 complaint, and again warned Plaintiff that failure to file an amended complaint within  
7 the time granted may result in dismissal with prejudice. (ECF No. 12.)

8 It is now more than five weeks past this final deadline, and Plaintiff has neither  
9 filed an amended complaint nor requested an additional extension of time.  
10 Accordingly, in light of Plaintiff’s failure to comply with this Court’s Order, the Court  
11 *sua sponte* **DISMISSES** this action **WITH PREJUDICE**. *See Ferdik v. Bonzelet*, 963  
12 F.2d 1258, 1260 (9th Cir. 1992) (stating that, pursuant to Federal Rule of Civil  
13 Procedure 41(b), district court may dismiss action for failure to comply with court  
14 order). The Clerk shall close the file.

15 **IT IS SO ORDERED.**

16 DATED: December 6, 2013

17   
18 Honorable Janis L. Sammartino  
19 United States District Judge  
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